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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/671,062

09/25/2003

Luigi Pichetti

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IBM CORP. (WIP)

c/o WALDER INTELLECTUAL PROPERTY LAW, P.C.

P.O. BOX 832745

RICHARDSON, TX 75083

EXAMINER

MAMO, ELIAS

ART UNIT

PAPER NUMBER

2184

MAIL DATE

DELIVERY MODE

07/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/671,062 | Applicant(s) PICHETTI ET AL. | |
| | Examiner ELIAS MAMO | Art Unit 2184 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leymann et al. (US 6,237,020), herein after referred to as Leymann et al. '020.

Referring to **claim 1**, Leymann et al. '020 teaches, as claimed, in a data processing system with a distributed architecture including a plurality of processing entities (i.e.- computer systems within distributed networks, col. 12, lines 64-65), each entity playing at least one of a plurality of predetermined roles in the system (Note: each computer has a role of being as a source or a target computer), a method of configuring the entities comprising:

- defining a target configuration for each role based on a reference model for a software product (col. 4, lines 48-51), the reference model specifying for each role, components of the software product that are to be installed on an entity having the role (i.e.-the software requirement are provided for each of plurality of target computer systems, col. 4, lines 53-55),

- defining, in a transition table data structure (i.e.-defining of a process model, col. 4, lines 16-18), for each current state/target state pair of each component of the software product, an identifier of one or more actions required to reach the target state from the current state (i.e.-the process model includes a plurality of activities and software requirements for each of activities, col. 4, lines 39-43),

-identifying at least one role of each entity in the plurality of processing entities, and configuring each entity according to a target configuration corresponding to the at least one role of the entity based on the current state/target state pairs in the transition table data structure (Note: the software distribution management system delivers and installs the requested software on the target computer system based on the process model for distributing software to a target computer system, col. 13, lines 1-8), wherein:

-the plurality of roles includes: at least one physic role defined by an architecture of the system (i.e.-the processor type, col. 13, lines 18-19) and at least one logic role defined by a software application installed in the system (i.e.-the operating system type, col. 13, line 19),

-an indication of the physic role of each entity in a first set of entities of the plurality of processing entities is stored in a memory structure at an installation of the entity in the system (i.e.-all information about the current state of a process is stored in the database maintained by the server, col. 11, lines 3-5), the step of identifying the at least one role of each entity in the first set of entities including retrieving the indication of the corresponding physic role from the memory structure (col. 13, lines 17-22); and the software application includes a plurality of software features (Note: a software package comes with a plurality of features for different processor types, col. 3, lines 2-3), each logic role being associated with a corresponding software feature (col. 4, lines 65-67).

However, Leymann et al. '020 does not explicitly disclose wherein the identifying step includes: detecting the software feature installed on the entity, and establishing the logic role according to the installed software feature: and wherein the configuring step includes: detecting a current configuration of the entity, identifying at least one action required to reach the target configuration from the current configuration, and executing the at least one action.

At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Leymann et al. '020 to include, in the identifying step, detecting the software feature installed on the entity, and establishing the logic role according to the installed software feature; and to include, in configuration step, detecting a current configuration of the entity, identifying at least one action

required to reach the target configuration from the current configuration, and executing the at least one action, since it is merely an alternate arrangement which falls within the level of ordinary artisan in the art. Detecting and identifying of a process or an event and executing/performing an action depending on the result of the identifying step are known options within the technical grasp of a person of ordinary skill in the art.

The motivation for doing so would have been to implement a dynamic installation of software/application programs into a corresponding target computer in a distributed data processing system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Crudele et al. (US 7,254,631) disclose method and system for distributing software features to a computer;
- Frye (US 6,038,586) discloses automated updating and distribution of software; and
- Collins, III et al. (5,845,090) disclose system for software distribution in a digital computer networks.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIAS MAMO whose telephone number is (571) 270-1726 and fax number (571) 270-2726. The examiner can normally be reached on Monday thru Thursday from 9 AM to 5 PM EST. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai, can be reached on (571) 272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. M./

07/16/08

/Tariq Hafiz/

Supervisory Patent Examiner, Art Unit 2182